

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:12-CR-00105-F5

UNITED STATES OF AMERICA	)	
	)	
v.	)	ORDER
	)	
KAMIE JO HEFNER	)	
	)	

This matter is before the court on Defendant Kamie Jo Hefner's motion [DE-219] for a sentence reduction.

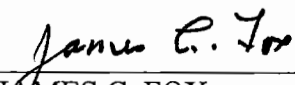
Once it has imposed a term of imprisonment, the court may modify that term in only three specific circumstances. *See* 18 U.S.C. § 3582(c). Those instances are: (1) upon a motion of the Director of the Bureau of Prisons; (2) pursuant to a Rule 35 motion brought by the government; and (3) pursuant to a sentencing range lowered by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(o). *Id.*

Here, Defendant argues she is entitled to a reduction in her sentence pursuant to Amendment 794 to the United States Sentencing Guidelines, which clarified application of the mitigating role adjustment under U.S.S.G. § 3B1.2.

Section 1B1.10 of the United States Sentencing Guidelines lists those Guideline amendments that have been made retroactively applicable to defendants on collateral review. Amendment 794 is not listed. *United States v. Perez-Carrillo*, No. 7:14CR00050, 2016 WL 4524246, at \*1 (W.D. Va. Aug. 26, 2016). Accordingly, the court lacks authority in this case to modify its previously imposed term of imprisonment. Defendant's motion is DENIED.

SO ORDERED.

This the 4th day of November, 2016.

  
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JAMES C. FOX  
Senior U.S. District Judge